IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1409 OF 2006

Ramakant Anant Patkar ..Petitioner.

V/s.

Madanlal Motilal Jain & Ors. ..Respondents.

Mr.P.S.Dani for petitioner.

Mr.G.S.Godbole for respondents.

CORAM : J.P.DEVADHAR, J.

DATED : 10TH JULY, 2007.

P.C. :-

1. In this petition the order passed by the II Jt. Civil Judge, J.D. Kalyan dated 17th January, 2000 in Regular Civil Suit No.188/97 is challenged. By the said order, the hearing of the Regular Civil Suit No. 188/97 is stayed till the disposal of Special Civil Suit No.113/99 filed before the Civil Judge, S.D. Kalyan.

2. Petitioner and the respondents No.2 & 3 are family members. The petitioner had filed Regular Civil Suit No.188/97 for eviction of the tenant, who is respondent No.1 in the present petition. Thereafter, Special Civil Suit No.113/99 was filed by the respondents

No.2 & 3 against the petitioner for partition of the family property. In Regular Civil Suit No.188/97, the respondent Nos.2 & 3 made an application for stay of the said suit till the disposal of the Special Civil Suit No.113/99. By the impugned order dated 17th January, 2000 the learned II Jt.Civil Judge, J.D. has allowed the said application. Challenging the said order, the present petition is filed.

3. The counsel on both the sides state that the interest of justice would be met, if the Special Civil Suit No.113/99 is directed to be disposed of within a stipulated time. Accordingly, the learned Civil Judge, S.D. is directed to hear and dispose of the Special Civil Suit No.113/99 filed by respondent Nos.2 & 3 as expeditiously as possible, preferably within a period of 3 months from the date of the receipt of this order.

4. Petition is disposed of accordingly with no order as to costs.

(J.P. DEVADHAR, J.)